

PRODUCT: 190 barrels, each containing 330 to 360 pounds, of frozen blackberries at Denver, Colo.

Examination showed that the product was fermented.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 2, 1944. Ambrose & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be used in wine making, under the supervision of the Food and Drug Administration.

6321. Adulteration and misbranding of frozen cherries. U. S. v. 1,665 Cartons of Cherries. Decree ordering product released under bond. (F. D. C. No. 10733. Sample No. 13979-F.)

LIBEL FILED: September 10, 1943, Southern District of California.

ALLEGED SHIPMENT: On or about August 19, 1943, by F. J. Nugent & Son, from Loveland, Colo.

PRODUCT: 1,665 cartons, each containing 30 pounds, of frozen cherries at Los Angeles, Calif.

Examination showed that the product was decomposed. It contained pits in excess of the number which can be regarded as unavoidable. Under good commercial practice, pits can be kept down to 1 pit per 20 ounces, or less.

LABEL, IN PART: (Some cartons) "RSP Cherries."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance; and Section 402 (b) (2), partially pitted cherries had been substituted in whole or in part for pitted cherries, which the article purported or was represented to be.

Misbranding (portion of the article), Section 403 (a), the statement on the labeling, "RSP Cherries" (meaning red sour pitted cherries), was false and misleading as applied to partially pitted cherries.

DISPOSITION: October 8, 1943. F. J. Nugent & Son, claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was subsequently converted into brandy.

6322. Adulteration of frozen peaches. U. S. v. 74 Barrels of Peaches. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11640. Sample Nos. 57466-F, 57474-F.)

LIBEL FILED: On or about January 17, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about October 27, 1943, by the Midfield Packing Co., from Tacoma, Wash.

PRODUCT: 74 barrels, each containing 425 pounds, of frozen peaches at Jersey City, N. J.

Examination showed that the product was fermented.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 22, 1944. The Stevenson Pie Co., Inc., Long Island City, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and used in wine making or destroyed, under the supervision of the Food and Drug Administration.

6323. Adulteration of frozen strawberries. U. S. v. 31 Barrels of Frozen Strawberries. Default decree of condemnation and destruction. (F. D. C. No. 11838. Sample No. 59448-F.)

LIBEL FILED: February 17, 1944, Western District of Michigan.

ALLEGED SHIPMENT: On or about October 20, 1943, by the Buffalo Cold Storage Co., from Black Rock, N. Y.

PRODUCT: 31 barrels, each containing 350 pounds, of frozen strawberries at Benton Harbor, Mich.

LABEL, IN PART: "National Dairy Prod. Corp. New York City Strawberries 3 Plus 1."